

65.7629 Powers and duties of board.

The board shall administer the provisions of KRS 65.7621 to 65.7643, and shall have the following powers and duties:

- (1) To review, evaluate, and approve or disapprove the plans or plan modifications that are submitted to the board for complying with the wireless E911 service requirements established by the FCC order and by any rules or regulations which are or may be adopted by the Federal Communications Commission in carrying out the FCC order;
- (2) To develop standards to be followed by the board in reviewing, evaluating, approving, or disapproving the plans or plan modifications that are submitted to the board;
- (3) (a) To collect the CMRS service charge from each CMRS connection:
 1. With a place of primary use, as defined in 4 U.S.C. sec. 124, within the Commonwealth; or
 2. For prepaid CMRS connections, until January 1, 2017, at which time the CMRS prepaid service charge imposed under KRS 65.7634 and collected under KRS 142.100 to 142.135 shall take effect and this subparagraph shall no longer be in force:
 - a. With a place of primary use, as defined in 4 U.S.C. sec. 124, within the Commonwealth; or
 - b. With a geographical location associated with the first six (6) digits, or NPA/NXX, of the mobile telephone number is inside the geographic boundaries of the Commonwealth.
- (b) The CMRS postpaid service charge, and until January 1, 2017, the CMRS prepaid service charge, shall be seventy cents (\$0.70) per month per CMRS connection, to be calculated, collected, and remitted in accordance with KRS 65.7635. The amount of the CMRS service charge shall not be increased except by act of the General Assembly;
- (4) To deposit the proceeds of the CMRS prepaid service charge levied under KRS 65.7634 that are collected by the Department of Revenue into the CMRS fund established by KRS 65.7627 and to distribute those revenues in accordance with KRS 65.7631. The CMRS prepaid service charge shall be calculated, collected, and remitted in accordance with KRS 65.7634 and 142.100 to 142.135;
- (5) To administer and maintain the CMRS fund according to the provisions of KRS 65.7627, and promptly to deposit all revenues from the CMRS service charges into the CMRS fund;
- (6) To make disbursements from the CMRS fund, according to the allocations and requirements established in KRS 65.7631;
- (7) To establish procedures and guidelines to be followed by the board in reviewing, evaluating, and approving or disapproving disbursements from the CMRS fund and requests for disbursements made in accordance with KRS 65.7631;
- (8) To resolve conflicts regarding reimbursable costs and expenses under KRS

65.7631(4);

- (9) To submit annual reports to the Auditor of Public Accounts no later than sixty (60) days after the close of each fiscal year, which shall provide an accounting for all CMRS service charges deposited into the CMRS fund during the preceding fiscal year and all disbursements to CMRS providers and PSAPs during the preceding fiscal year;
- (10) To employ consultants, engineers, and other persons and employees as may be, in the judgment of the board, essential to the board's operations, functions, and responsibilities, and to fix and pay their compensation from funds available to the board;
- (11) To acquire, by gift, purchase, installment purchase, or lease, any equipment necessary to carry out the board's purposes and duties;
- (12) To retain any and all information, including all proprietary information, that is submitted to the board by CMRS providers and PSAPs, for the purposes of maintaining it and verifying its accuracy;
- (13) To retain, with approval by the Auditor of Public Accounts, an independent certified public accountant who shall audit, once every twenty-four (24) months, the books of the board, CMRS providers, and PSAPs eligible to request or receive disbursements from the CMRS fund under KRS 65.7631 for the following purposes:
 - (a) To verify the accuracy of collection, receipts, and disbursements of all revenues derived from the CMRS service charges and the number of wireless E911 calls received by each PSAP eligible to request or receive disbursements from the CMRS fund;
 - (b) To determine whether the revenues generated by the CMRS service charges equal, exceed, or are less than the costs incurred in order to comply with the FCC order;
 - (c) To determine the sufficiency of the funds currently being withheld for administrative purposes under KRS 65.7631(2); and
 - (d) To verify the accuracy of CMRS customer count information reported to the board by CMRS providers.

The independent certified public accountant shall make a report of the audits to the board and to the appropriate chief executive officer or officers of the CMRS providers and PSAPs, and to the local governments responsible for the formation of the PSAP. The independent certified public accountant shall also forward a copy of the audits conducted pursuant to this subsection to the Legislative Research Commission for referral to the appropriate committee or committees and to the Auditor of Public Accounts. Upon request, the independent certified accountant shall send any work papers related to the audits to the Auditor of Public Accounts. All information with respect to the audits shall be released to the public or published only in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to individual CMRS providers;

- (14) To ensure that all carriers have an equal opportunity to participate in the wireless

E911 system;

- (15) To ensure that wireless E911 systems are compatible with wireline E911 systems;
- (16) To determine the appropriate method for disbursing funds to PSAP's based on wireless workload under KRS 65.7631(5)(b);
- (17) To develop standards and protocols for the improvement and increased efficiency of 911 services in Kentucky;
- (18) To provide direct grants or state matches for federal, state, or private grants for the establishment or improvement of the 911 emergency telecommunications system in the Commonwealth; and
- (19) To develop and implement standards for advancements and new technology in the operation of emergency telecommunications in the state, including the development and implementation of next generation 911 service.

Effective: July 15, 2016

History: Amended 2016 Ky. Acts ch. 111, sec. 8, effective July 15, 2016. -- Amended 2006 Ky. Acts ch. 219, sec. 4, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 69, sec. 3, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 42, sec. 1, effective June 21, 2001. -- Created 1998 Ky. Acts ch. 535, sec. 5, effective July 15, 1998.

Legislative Research Commission Note (7/15/2002). The amendments made to subsection (3) of this statute in 2002 Ky. Acts ch. 69, sec. 3, "take effect for customer service bills issued after August 1, 2002." 2002 Ky. Acts ch. 69, sec. 6.